

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Before the Court for consideration is the Report and Recommendation (ECF No. 122) of the Honorable George Foley, Jr., United States Magistrate Judge, entered August 22, 2014.

Pursuant to Local Rule IB 3-2(a), objections were due by September 8, 2014. No objections have been filed. In accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-4, the Court has reviewed the record in this case and agrees with Magistrate Judge Foley's recommendation that Plaintiff's Motion for Default Judgment (ECF No. 109) be **Granted** and Plaintiff's Motion for Permanent Injunction (ECF No. 114) be **Granted**. Therefore, the Court has determined that Magistrate Judge Foley's Recommendation should be **ACCEPTED** and **ADOPTED** to the extent that it is not inconsistent with this opinion.

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 122) be **ADOPTED** and **ACCEPTED** in full, to the extent that it is not inconsistent with this opinion.

IT IS FURTHER ORDERED that Plaintiff's Motion for Default Judgment (ECF No. 109) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Permanent Injunction (ECF

1 No. 114) is **GRANTED**.

2 **IT IS FURTHER ORDERED** that the surety bond posted by Plaintiff to secure the
3 preliminary injunction be released upon entry of the permanent injunction.

4 **IT IS FURTHER ORDERED** that Plaintiff's design patents, U.S. Design Patent
5 Numbers D474570, D618418, D618419, and D487604 (collectively the "Patents"), be found
6 presumptively valid and enforceable, pursuant to 35 U.S.C. § 282, and the Defendants be found
7 to have willfully infringed the Patents.

8 **IT IS FURTHER ORDERED** that the Defendants and their officers, directors,
9 employees, and agents be permanently enjoined, pursuant to 35 U.S.C. § 283 and Fed. R. Civ.
10 P. 65(d), from engaging in infringing activities relating to the infringed products. In particular,
11 Defendants are permanently enjoined from making, using, offering to sell, selling, or importing
12 into the United States products identified as the Accused Products, i.e., the Grandmaid
13 Housekeeping Carts, Bitbar Mobile Work Center, Bitbar Utility Carts, and Bitbar Flat-shelf
14 Carts (collectively, the "Accused Products"), as well as colorable imitations thereof, including
15 without limitation, products sold under the following model numbers: Grandmaid
16 Housekeeping Cart, models 5021, 5022, and 5023; Bitbar Mobile Work Center, models 4031,
17 4032, and 4033; Bitbar Utility Carts, models 4041 and 4041; and Bitbar Flat-shelf Carts,
18 models 4045 and 4047.

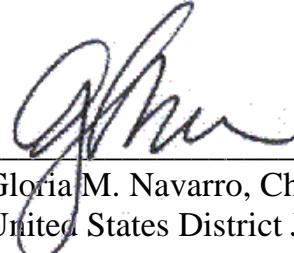
19 **IT IS FURTHER ORDERED** that the Defendants be found to have willfully infringed
20 Plaintiff's copyright in the Rubbermaid Brochure.

21 **IT IS FURTHER ORDERED** that the Defendants and their officers, directors,
22 employees, and agents be permanently enjoined, pursuant to 17 U.S.C. § 502 and Fed. R. Civ.
23 P. 65(d), from engaging in infringing activities relating to the Trust Catalog. In particular, the
24 Defendants should be permanently enjoined from reproducing, preparing derivative works, or
25 distributing the TRUST PRODUCT CATALOG 2013 (attached as Exhibit 4 to the Declaration

1 of Neil R. Eibeler In Support of Plaintiff's Motion for Temporary Restraining Order and For a
2 Preliminary Injunction (ECF No. 11-5)) without prior Court approval.

3 **IT IS FURTHER ORDERED** that the Court retain jurisdiction over the parties to the
4 extent necessary to enforce the terms of this Order and the injunctive relief provided herein.

5 **DATED** this 6th day of October, 2014.

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7 Gloria M. Navarro, Chief Judge
8 United States District Judge

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